

REMARKS

Examiner Adams has rejected claims 1-19 of the present application. For the reasons which follow, applicant respectfully traverses this rejection of the Examiner. The applicant does, however, wish to extend appreciation to Examiner Adams for the quite detailed review of the claims of the present invention leading to the finding of patentable subject matter of the claims of the present application and an indication of the allowance of claims 20-27, 31, 32 and 37-40.

It is respectfully submitted that endless belt 10 of Olson corresponds to the second conveyor and not the stacker conveyor of the present invention. Thus, Olson can not operate or obtain the advantages of the apparatus of the present invention as set forth at least at page 7, lines 8-10; page 7, lines 24-28; page 8, lines 24-26; page 8, lines 30-33; page 9, lines 10-18 and the like. Thus, Examiner Adams has conceded that Katoch does not disclose a movable stacker conveyor, and as it has been shown that Olson '142 does not suggest a movable stacker conveyor, it is respectfully submitted that the rejection has been overcome. However, in a spirit of conciliation to advance prosecution of the present application, claim 1 has been amended to further define the present invention in a manner to distinguish over Katoch and/or Olson. Thus, it is respectfully submitted that the rejection of claim 1 has been overcome. Favorable reconsideration is respectfully requested.

In the rejection of claims 4, 6, 7, 15 and 16 the Examiner indicates "Katoch discloses "spacing is adjustable" and "a stacker conveyor that adjusts". It is specifically requested that the Examiner indicate where in Katoch such disclosure exists as the undersigned was unable to find such disclosures. Thus, it is respectfully submitted that the rejection of claims 4, 6 and 7 has been overcome for this separate and independent reason.

Likewise, Examiner Adams indicates "Katoch discloses an anti-scuffing mechanism". It is specifically requested that the Examiner indicate where in Katoch such disclosure exists as the undersigned was unable to find such disclosure. Thus, it is respectfully submitted that the rejection of claim 8 has been overcome for this separate and independent reason.

Similarly, where are the hold-down rails and rollers disclosed in Katoch as recited in claim 16? It is specifically requested that the Examiner indicate where in Katoch disclosure of hold-down rails and rollers exists as the undersigned was unable to find such disclosures. Thus, it is respectfully submitted that the rejection of claim 16 has been overcome for this separate and independent reason.

Claim 17 specifically recites “permitting items to flow out of the apparatus without being stacked where there is a back-up in downstream equipment”. It is respectfully submitted that “appropriately slowed down and sped-up” does not anticipate the above recitation. Thus, it is respectfully submitted that the rejection of claims 17 and 18 has been overcome for this separate and independent reason.

Furthermore, where is a movable back stop as recited in claim 18 disclosed in Katoch? However, in a spirit of conciliation, claim 18 has been amended to further define the present invention to distinguish over Katoch. Thus, it is respectfully submitted that the rejection of claim 18 has been overcome for this separate and independent reason.

Also, claim 2 has been amended to further define the present invention to distinguish over Katoch. Thus, it is respectfully submitted that the rejection of claim 2 has been overcome for this separate and independent reason.

As discussed at column 7, line 31, jams can be cleared in Dimion by reversing or slowing down transfer. However, Dimion clearly does not suggest separating spaced apart belts in a manner as recited in claims 11, 13 and 19. In this regard, the undersigned can only find a single drive belt 40a and chains 48 including lugs 48a (which are believed would prevent separation). Thus, it is respectfully submitted that the rejection of claims 11, 13 and 19 has been overcome for this separate and independent reason.

Examiner Adams indicates “Dimion teaches a...clean-out conveyor and motor for the purpose of providing a means to clear jams”. It is specifically requested that the Examiner indicate where in Dimion such disclosure exists as the undersigned was unable to find such disclosures. In this regard, claim 13 does not simply recite a “motor” but a “motor separating the spaced apart belts”. Thus, it is respectfully submitted that the rejection of claim 13 has been overcome for this separate and independent reason.

The Examiner has cited the United States patents listed in NOTICE OF REFERENCES CITED as A-C of the Office Action dated March 18, 2005, as A-C and E of the Office Action dated August 18, 2005, and as A of the Office Action dated January 27, 2006, and has indicated consideration of the United States patents cited by applicants. By the lack of application of these references and others like them within the classes or subclasses searched, the Examiner apparently recognizes the clear patentability of the present invention over any of these references.

Therefore, since the claims of the present application have been shown to include limitations directed to the features of applicants' carton stacking apparatus and method which are neither shown, described, taught, nor alluded to in any of the references cited by the Examiner and by the applicants, whether those references are taken singly or in any combination, the Examiner is requested to allow claims 1-27, 31, 32 and 37-40, as amended, of the present application and to pass this application to issue.

Respectfully submitted,

David L. Anderson et al



Alan D. Kamrath, Reg. No. 28,227

NIKOLAI & MERSEREAU, P.A.

Attorneys for Applicants

900 Second Avenue South, Suite 820

Minneapolis, MN 55402

Tel: (612) 392-7306

Fax: (612) 349-6556

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